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24 *As Counsel Designated For Service of Papers*
25 *Pursuant to LR 1A 11-1(b)(2)(ii)*

26 UNITED STATES DISTRICT COURT

27 DISTRICT OF NEVADA

28 FURNITURE ROYAL, INC., a Nevada
Corporation,

Plaintiff,

vs.

SCHNADIG INTERNATIONAL CORP. d/b/a
CARACOLE, a North Carolina Corporation,
WAYFAIR, INC. a Delaware Corporation
d/b/a WAYFAIR and PERIGOLD,

Defendants.

Case No. 2:18-cv-00318-JCM-CWH

**WAYFAIR, INC'S MOTION TO
DISMISS COMPLAINT PURSUANT
TO FRCP 12(b)(6)**

(ORAL ARGUMENT REQUESTED)

1 Plaintiff Furniture Royal, Inc. (“Furniture Royal”) brings its complaint against Defendants
2 Schnadig International Corp. d/b/a Caracole (“Schnadig”) and Wayfair, Inc. (“Wayfair”).
3 Furniture Royal alleges federal antitrust violations and intertwined state law causes of action,
4 seeking damages exceeding \$1,000,000, but as set forth in Defendant Schnadig’s Motion to
5 Dismiss, filed in this Court on April 27, 2018, ECF No. 9, Furniture Royal’s claims are
6 implausible under applicable standards and should be dismissed.

7 In sum, though Plaintiff styles its complaint as containing allegations against Wayfair of
8 Price Fixing, Conspiracy, violation of Section 1 of the Sherman Act, violation of the Robinson-
9 Patman Act, violation of Nevada Unfair Trade Practices Act, and Intentional Interference with
10 Prospective Economic/Business Advantage, Plaintiff fails to articulate required elements for its
11 antitrust claims, or for the state court claims included.

12 Because its allegations are insufficient to maintain federal antitrust claims and the related
13 state-based claims as a matter of law, Furniture Royal’s complaint should be dismissed pursuant
14 to the plausibility standard originally set forth in *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570
(2007).

15 Rather than burden this court with duplicative briefing, and in the interests of judicial
16 economy, Wayfair relies on the brief filed by Schnadig on April 27, 2018, ECF No. 9, in support
17 of its Motion to Dismiss. That brief is incorporated herein by reference.

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19 Dated: April 30, 2018

MORGAN, LEWIS & BOCKIUS LLP

20 By /s/ C. Erik Hawes
21 C. Erik Hawes
22 Attorney for Defendant
23 WAYFAIR, INC.
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CERTIFICATE OF SERVICE

I certify that on April 30, 2018, I electronically transmitted the foregoing Notice of Appearance to the Office of the Clerk of the United States District Court for the District of Nevada using the Court's CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel of record in this matter; all counsel being registered to receive Electronic Filing.

Dated: April 30, 2018

MORGAN, LEWIS & BOCKIUS LLP

By /s/ C. Erik Hawes
C. Erik Hawes
Attorney for Defendant
WAYFAIR, INC.